

REMARKS

The following remarks are submitted in response to the communication dated August 28, 2003.

Status of the Claims

Claims 59-65 are pending in the application and are allowed. This Application is in condition for allowance except for formal matters.

Specification

The Examiner indicates that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120, particularly that the continuing data does not reference all of the prior applications. This Application is a continuation of copending application Serial No. 09/183,374, filed October 30, 1998, now abandoned, which in turn is a divisional of copending application Serial No. 08/347,563, filed November 30, 1994, now issued U.S. Patent No. 5,935,810, which in turn is a continuation-in-part of copending application Serial No. 08/292,345, filed August 17, 1994, now issued U.S. Patent No. 6,001,968, to each of which the instant application claims the benefit of the filing date pursuant to 35 U.S.C. § 120. The Specification has above been corrected to include all this proper and complete prior application information and Applicants request acceptance of the above as proper compliance for receiving the benefit of an earlier filing date under 35 U.S.C. 120.

Oath/Declaration

The Examiner asserts that the oath or declaration is defective because non-initialed or non-dated alterations have been made to the oath or declaration. In the Action, the Examiner remarks that a new oath or declaration is required. At issue is the correction of the city of

residence (correction from “Visa” to “Pisa”, Italy) by originally named inventor Margherita Maffei. The Agent for Applicants thanks the Examiner for her efforts to clarify this issue and the various telephonic discussions that have taken place to address this rejection. Applicants present herewith a Petition to Correct Inventorship Under 37 C.F.R. § 1.48(b) and herein request correction of inventorship to include the sole and proper inventors, specifically Jeffrey M. Friedman, Yiyi Zhang and Ricardo Proenca. By the Petition, correction of inventorship is requested to delete the names of Margherita Maffei, Jeffrey L. Halaas, Ketan Gajiwala and Stephen K. Burley as co-inventors of the instant application. Applicants submit herewith a correct and proper Application Data Sheet, indicating the inventors of the allowed claims, specifically inventors Jeffrey M. Friedman, Yiyi Zhang and Ricardo Proenca. Applicants respectfully request acceptance of the Application Data Sheet, together with the original oath and declaration properly executed by each of the correct and proper inventors.

Sequence Compliance

The Examiner asserts that this Application fails to comply with the requirements of 37 CFR 1.821 through 1.825 in that it contains sequence disclosures, particularly in Figure 14, that are not included in the sequence listing. Applicants provide herewith a paper copy of a substitute Sequence Listing and a copy of the Sequence Listing in computer readable form for entry and consideration. The enclosed Sequence Listing is submitted to correct and provide SEQ IDs, particularly SEQ ID NOS: 39, 40, 41 and 42 for certain sequences indicated in Figure 14 of the instant Specification. Applicants assert that the information provided on the enclosed Sequence Listing is fully supported in the Specification and provides no new matter.

Conclusion

The claims and specification as presented herein are believed to be in condition for allowance and Applicants request acceptance of the correction of formal matters and the processing of this application to Allowance and issue.

Respectfully submitted,



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